IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WA.No. 1967 of 2007

(AGAINST THE JUDGEMENT/ORDER IN WPC.19514/2007 Dated 27/06/2007)

APPELLANTS/RESPONDENTS 1 & 2 IN WPC
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1. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, PATHANAMTHITTA.

2. ASSISTANT REGISTRAR (GENERAL), CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

BY SPL. GOVERNMENT PLEADER FOR SOCIETIES SMT. A.G. ANEETHA.

RESPONDENTS/PETITIONER & 3RD RESPONDENT IN WPC
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1. PRESIDENT, THIRUVALLA EAST CO-OPERATIVE BANK LTD., ERAVIPEROOR P.O.

2. C.K.MOHANAN NAIR, CHAVATHUVAYALIL HOUSE, CHENGANNOOR P.O.

BY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.A. No. 1967 OF 2007

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Dated this the 10th August , 2007

J U D G M E N T

H.L. Dattu, C.J.:

This appeal arises out of the order passed by the learned single Judge in W.P.(C) No. 19514 of 2007 dated 27th June, 2007.

2. The President of the Thiruvalla East Co-operative Bank Ltd (hereinafter referred to as Bank) was before this court, inter alia questioning the notice issued by the Joint Registrar of Co-operative Societies, Pathanamthitta, under section 32(1) of the Kerala Co-operative Societies Act, 1969 (hereinafter referred to as 'Act'). By the impugned notice, the first respondent/first appellant herein had directed the petitioner/first respondent herein to show cause as to why the managing committee of the Bank should not be superseded by invoking his powers under section 32 of the Act.

3. The learned single Judge has disposed of the Writ Petition. While disposing of the Writ Petition, the learned single Judge has directed the petitioner in the Writ Petition to file his objections, if any, to the show cause notice and participate in the enquiry proceedings . The court has only observed that if the decision, that would be taken by the first respondent/first appellant herein (after hearing the petitioner and other members of the managing committee), goes against the petitioner in the Writ

Petition, it shall be kept in abeyance for a period of two weeks from the date of service of a copy of that order (passed by the first respondent therein) on the petitioner therein. Challenging this portion of the order passed by the learned single Judge, the appellants/respondent Nos.1 and 2 in the Writ Petition are before us in this Writ Appeal.

4. First and foremost, we do not understand how can the aforesaid direction issued by the learned single Judge affect the appellants . After all, a notice had been issued by the Joint Registrar of Co-operative Societies, Pathanamthitta/first appellant herein, directing the petitioner/first respondent herein to show cause as to why the affairs of the society should not be managed by the administrator. Before filing any objection to the said show cause notice, the first respondent herein has approached this court. The court, taking into consideration that what was challenged in the Writ Petition is only a show cause notice, has directed the petitioner to file his objections and participate in the enquiry proceedings. Thereafter, the court has only stated that the first respondent therein shall not implement any order that would be taken by the first respondent therein, after hearing of the petitioner in the Writ Petition and other members of the managing committee and to keep the decision in abeyance for a period of two weeks. Such a direction is issued only to facilitate the petitioner if he is aggrieved by the order that would be passed by the first respondent-Joint Registrar of the Co-operative Societies, Pathanamthitta, to seek appropriate remedies provided under the Act. In our

view, such a direction and observation is made, so that, the appellants may not precipitate the matter, before an aggrieved person takes recourse to remedies provided in the statute itself. the order so made is only in the ends of justice and the same cannot be characterised as either arbitrary or illegal.

5. In view of the above, the reliefs sought for by the appellants cannot be granted. Accordingly, the Writ Appeal requires to be rejected and it is rejected.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

lk/DK.